

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF COMMERCE

In the Matter of Corey Alan Krug and
Sherri Rears, Individually, and d/b/a S &
K Construction, DOC File No.
BC2205797/CRD, BC2208520/CRD

FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION

The above-entitled matter came on for a prehearing conference before Administrative Law Judge Allan W. Klein on Friday, November 15, 2002, at the Office of Administrative Hearings in Minneapolis. The record closed at the end of the prehearing conference.

Karen Kampa Jaszewski, Assistant Attorney General, 445 Minnesota Street, Suite 1200, St. Paul, MN 55101-2130, appeared on behalf of the Minnesota Department of Commerce. There was no appearance by or on behalf of any of the Respondents.

NOTICE

If the Commissioner fails to issue a final decision within 90 days of the close of the record, this report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a. The record closes upon the filing of exceptions to the report and the presentation of argument to the Commissioner, or upon the expiration of the deadline for doing so. The Commissioner must notify the parties and the Administrative Law Judge of the date on which the record closes.

STATEMENT OF ISSUE

The issue in this contested case is whether or not the Respondents should be subject to disciplinary action for the reasons set forth more fully in the Amended Notice of and Order for Hearing and Order for Prehearing Conference and Order to Show Cause.

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. On August 21, 2002, a Notice of and Order for Hearing and Order for Prehearing Conference was sent to Respondents Krug and Rears. It gave notice of a prehearing conference to be held on October 1, 2002. The copy which was sent to Krug was misaddressed, and when he finally received it, he requested a continuance in order to prepare. The continuance was granted.

2. On October 15, 2002, an Amended Notice of and Order for Hearing and Order for Prehearing Conference and Order to Show Cause was served upon Krug and Rears at the correct addresses. It gave notice of a prehearing conference to be held on November 15, 2002. It also stated, in part:

If Respondents fail to attend or otherwise appear at any prehearing conference, settlement conference, or hearing in this matter without prior consent of the judge, or fails to comply with any interlocutory order of the judge after having been served with a copy of this Order, Respondents shall be deemed in default and the allegations or issues set forth herein may be deemed proved, and Respondents may be censured and/or a civil penalty may be imposed against Respondents without further proceedings.

3. Respondents did not file a Notice of Appearance or request a continuance of the prehearing conference.

4. Respondents failed to appear at the prehearing conference on November 15, 2002, and no one appeared on their behalf.

5. Because Respondents failed to appear at the prehearing conference in this matter, they are in default in this proceeding.

6. Pursuant to Minn. R. pt. 1400.6000, the allegations contained in the Notice of and Order for Hearing are hereby taken as true and incorporated into these Findings of Fact.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Department of Commerce and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. § § 45.027, 326.91, and 14.50.

2. The Department has given proper notice of the prehearing conference and has fulfilled all relevant substantive and procedural requirements of law or rule.

3. The Respondents are in default in this proceeding.

4. Respondents have violated various statutes and rules as set forth in the Amended Notice of and Order for Hearing and Order for Prehearing Conference and Order to Show Cause.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RECOMMENDED: That disciplinary action be taken against Corey Alan Krug and Sherri Rears.

Dated this 20th day of November 2002.

S/ Allan W. Klein

ALLAN W. KLEIN

Administrative Law Judge

Reported: Default

NOTICE

Under Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.